

## A. NEWSRACKS

### DESIGN STRATEGY

To provide access to newspapers and related printed informational products, without their respective cabinets becoming visually obtrusive or a physical impediment.

### APPLICATION PROCESS

Applications for Newsrack Permits are obtained from the Downtown Permits Office (DPO). Each permit application must include the following items:

1. A valid Business License from the City Revenue Services Division. Established businesses requesting permits may produce a copy of the active Business License and Proof of Insurance.
2. A scaled sketch plan or photographs showing newsrack location and surrounding streetscape details covering 6 feet on either side of the proposed rack location including property lines, sidewalks, curb lines, lighting, trees indicating tree size, tree grates, planters, parking meters, benches, street signs, bus stops and fire hydrants.
3. Photographs and any other supporting materials showing the style, type, material and dimension details of the proposed newsrack.
4. Proof of a valid Insurance Policy that provides a minimum liability of one million dollars. The City of Raleigh must be additionally insured under the policy.
5. A written Indemnity Agreement satisfactory to the City Attorney that will hold harmless the City, its officers, councilors and employees, for any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by an person as a result of the negligent installation, use, or maintenance of a newsrack within the City of Raleigh (see Appendix Section 5 for sample Indemnity Agreement.).
6. Fee payment (see table below). The maximum fee that will be charged for the combined number of newsrack units of any single publication placed within the applicable areas shall not exceed \$200. **NOTE:** The City of Raleigh will develop a permit application for publishers for whom this would be a financial hardship.
7. Fayetteville Street modular newsrack space request form.

#### Please Note:

- Individual publishers or distributors requesting permits for use of public spaces may produce a single copy of the valid Business License and Proof of Insurance for placing newsracks in multiple locations.

### REQUIRED PERMITS

- Business License
- Newsrack Vending Permit

### FEE SCHEDULE

Item	Fee
City of Raleigh Business License	Varies*
Newsrack Annual Permit	\$15 (per newsrack unit) (not to exceed a total of \$200 per publication)

\* Fee varies with nature, type and size of business



## PERMIT PROVISIONS

- Newsrack permits are valid for one year (from July 1st through June 30th).
- All permit renewal applications have to be submitted by June 30th to the Downtown Permits Office.
- All Business License renewal applications have to be submitted by June 30th to the City of Raleigh Revenue Services Division.
- At the time of submittal of permit applications, applicants are also encouraged to provide contact email addresses that will be added to a list serve created for permit holders. Downtown Permits Office maintains record of all permits including contact information.
- All issued permits are location-specific. If, within a given year of receiving permit, the applicant desires to change location, the application will have to be resubmitted for the new location. However, fees will be waived if the issued permit is still valid during the time of re-submittal.
- Permit holders may be required to remove newsracks temporarily to allow street, sidewalk or utility access for maintenance operations or during approved special events. The Downtown Raleigh Alliance notifies permit holders via email at least 24 hours in advance of event related street closures approved through City Council.
- The regulations of this section apply only to the boundaries of the Downtown Overlay District and the adjacent Pedestrian Overlay Districts (Peace Street, N. Person Street, and Glenwood South) as they exist on the effective date of this ordinance. Expansion of areas regulated by this section may only occur upon the City of Raleigh's establishing, with tangible evidence, the need for regulation.
- Details regarding appeals are provided in Section I.D.3 of this handbook.

## Violations

- The City of Raleigh Inspections Department notifies permit holders of any violations.
- The permit holder is responsible for remedying the violation within 10 working days of receiving the violation notice. Beyond that, fines or subsequent revocation of permits applies as per the standard procedure outlined in Section I.D.3 of this handbook.
- Any newsrack installed, used or maintained in violation of the standards and procedures, or left empty for more than 30 days will be tagged with a notice of violation stating the violation, date of tagging, and notice of intention to remove the newsrack if the violation is not corrected within 10 working days.
- The Inspections Department staff may, as an alternative to tagging the newsrack, move, align, or reposition racks in order to restore them to a legal condition.
- Any newsrack which has been tagged and remains in violation past the 10-day correction period shall be removed by the Inspections Department staff and stored in a secure location. Staff shall mail a notice of removal to the permit holder stating the date the newsrack was removed and the reasons for the action. Any newsrack thus removed and stored shall be released to the owner if claimed within 45 days after removal and upon payment of a fine of \$200.
- If a removed newsrack is not claimed by the permit holder within the 45-day time period, the newsrack will be deemed unclaimed property in possession of the Police Department.

## STANDARDS

For newsracks to be permitted within downtown public spaces, all of the following standards must be met:

### Location

- No more than seven free-standing racks are permitted in any qualifying location. Only one such location is permitted per street block face. Modular units one compartment wide count as one free-standing rack.
- Individual publications are permitted only one newsrack unit per qualifying location per street block face.
- Newsracks must be located such that an unobstructed sidewalk pedestrian corridor of a minimum of 5 feet in width is maintained parallel to the street at all times. Where existing obstructions are present (such as fire hydrants), the corridor can be measured to go around these obstructions. For tree grates, the corridor is measured from the outer edge of the grate, unless an ADA-compliant grate is installed, in which case the 5 feet can be measured directly from the tree trunk.
- Newsracks must be placed at least 5 feet from any fire hydrant, edge of street curb, edge of driveway cut, edge of crosswalk, utility boxes and vaults, edge of handicapped ramp, public benches, trash receptacles, building access, exits or emergency access/ exit ways, or emergency call box.
- Newsracks must not be located within a 5 foot radius of any building corner at a street intersection.
- The rear of a newsrack can be no more than 6 inches from the edge of the private property line parallel to the street. For modular newsracks, alternative placements may be permitted upon evaluation and approval by the City Council.

### Fayetteville Street Location Standards

- Newsracks are limited to those locations indicated on the map and within City-provided modular newsracks only. On the 00 blocks of Hargett, Martin, Davie and South Streets, newsracks are permitted in qualifying locations a minimum of 100 feet from the edge of the Fayetteville Street right of way (the building edge facing Fayetteville Street). In the event there are no qualifying locations available, applicants will be permitted to place a modular newsrack unit along a block face that is not a hazard or unreasonable obstruction to pedestrian and vehicular traffic.

### Design

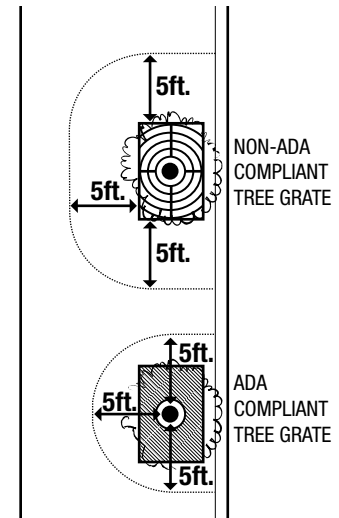
- Single newsrack units and modular newsrack units one compartment wide can be no larger than 55"h x 24"w x 24"d.
- Wherever several units are grouped, **modular newsracks** are encouraged. Modular newsracks measuring no larger than 55"h x 24"w x 24" d can be approved through the Downtown Permits Office. The design of modular newsracks of larger dimensions will be subject to evaluation and approval by the Urban Design Center and the City Council.
- Plastic newsracks are permitted, provided they are internally weighted to a minimum of 50 pounds, with no weighting materials visible externally.
- Second-party advertising is not allowed on the newsracks.
- Newsracks must not be attached to the building or city tree.
- Newsrack units must be enclosed.

### Fayetteville Street Design Standards

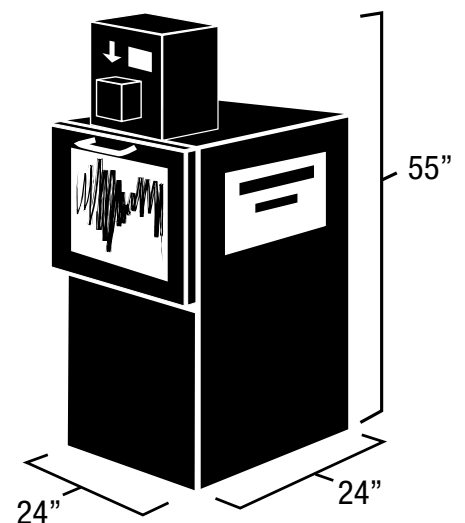
- No privately-owned newsrack units are permitted. Publications are only permitted in City-provided modular newsracks.

### Operation

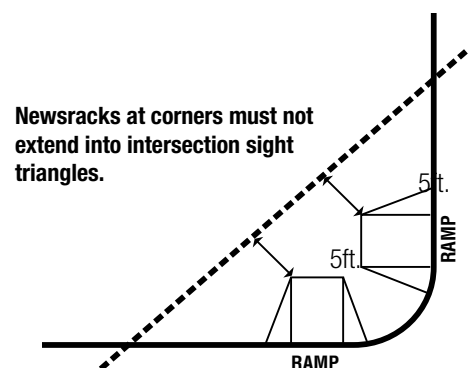
- Newsrack units must not block building display windows without the written consent of the adjoining property/ business owner. A copy of the agreement must be filed with the application.



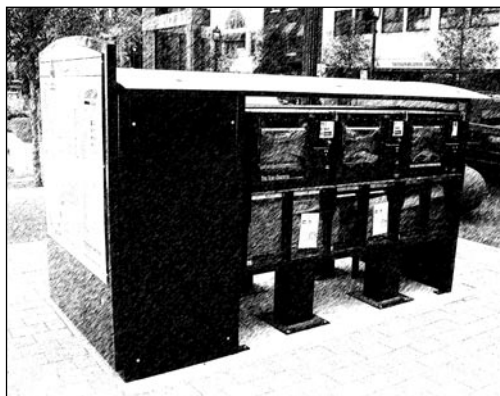
Clear space requirements around tree grates



Maximum dimensions for newsrack in Downtown Overlay District



Newsracks at corners must not extend into intersection sight triangles.



**Modular newsrack on Fayetteville Street**

## NEWSRACK SPACE ALLOCATION STANDARDS

### **Publisher Contact Procedure:**

The City will contact by mail each publisher currently distributing within the applicable Downtown area. The correspondence packet will include:

- cover letter noting purpose and scope of standards,
- a copy of the new newsrack standards,
- online website link to access application forms and all related information,
- map of modular spaces available on Fayetteville Street with assigned box numbers, and
- note of the deadline for receipt of application (with this date sufficiently in advance of the time expected for processing all applications); applications received after the initial deadline will be considered for space allocation after all the others submitted within the specified deadline.

**Please Note:** Permit holders will be granted a grace period of 60 days (from the time of receiving the notification) to remedy and meet the performance standards. After receiving notification from the City, and after the grace period expires all newsracks currently operating in non-conformance to the new standards will be considered as being in violation, for which fines or revocation may apply.

### **Initial Space Allocation— (for Currently Operating Vendors)**

Top priority will be given to those publications continuously distributed at a given location for at least the previous 12 months (with the current newsrack permit, a dated photo, or other verifiable information provided as proof). Regarding the allocation of the new modular newsrack units on Fayetteville Street, it is the intent of the City staff to first accommodate the space interests of vendors currently operating within Downtown limits, to the fullest extent possible.

- If the space available at a given location is inadequate for the number of publications interested in locating there (i.e., there would be more than seven free-standing racks):
  - First priority is given to publications published at least seven days per week,
  - Second priority is given to publications published between two and six days per week, and
  - Third priority is given to all other publications.
- If two or more publications have equal priority and request the same location/box space, allocation will be decided by lottery. The lottery system will be administered by the Downtown Permits Office staff.
- If two or more publications desire specific placement within a modular newsrack (e.g., upper right-hand corner, south side), allocation for the space will be decided by lottery.
- Vendors not receiving their first priority of space allocation through the lottery system will be registered on a waiting list for subsequent priority consideration or may apply for an additional modular unit placement at the same location, which shall be evaluated and approved by the City Council.

### Subsequent Space Allocation— (for New Vendors)

After accommodating the space interests of all vendors currently operating within the Downtown limits, any open spaces thereafter, will be available for use by new vendors. Wherever qualifying free-standing newsrack space remains available on any given street block face, new racks can be added there until the limit of seven free-standing racks is reached.

- Multiple space requests from new vendors for limited open spaces will be allocated on the same priority system as that followed for currently operating vendors.
- If a previously-permitted publication vacates a space, other publications can apply for that space under the above specified methods of prioritization.
- If all qualifying spots at a given location are taken, new vendors are encouraged to register on the waiting list for subsequent priority consideration.

### General Number Limits

- Maximum of seven free-standing racks are permitted per street block face (i.e., maximum of fourteen, counting both sides of the street). Modular units one compartment wide count as one free-standing rack.
- No two free-standing racks of the same publication are permitted at a given location.

### Number Limits for Fayetteville Street

- Within the modular newsracks on Fayetteville Street, no second spaces will be allocated to the same publication (through a lottery allocation) until all other interested publishers from the waiting list have had a chance to apply (within a period of 30 days following the approval date of these standards) and assigned a spot. Sunday editions are considered to be the same publication as the respective weekday paper.

### Maintenance

- The permit holder is responsible for the maintenance, repair and upkeep of the newsracks. Newsrack units must be kept:
  - reasonably free of dirt and grease,
  - reasonably free of chipped, faded, peeling, and cracked paint,
  - reasonably free of rust,
  - structural parts in good working order,
  - free of graffiti,
  - free of third party advertising stickers or fliers, and
  - clear plastic or glass parts must be reasonably free of cracks, dents, scratches, abrasion, and discoloration.
- The permit holder is responsible for paying any costs resulting from damage to public space due to the installation or operation of the newsracks.

### Fayetteville Street Maintenance Standards

- The City of Raleigh Building Maintenance Division is responsible for the maintenance, repair and replacement of the modular newsracks located along Fayetteville Street.

## CHECKLIST

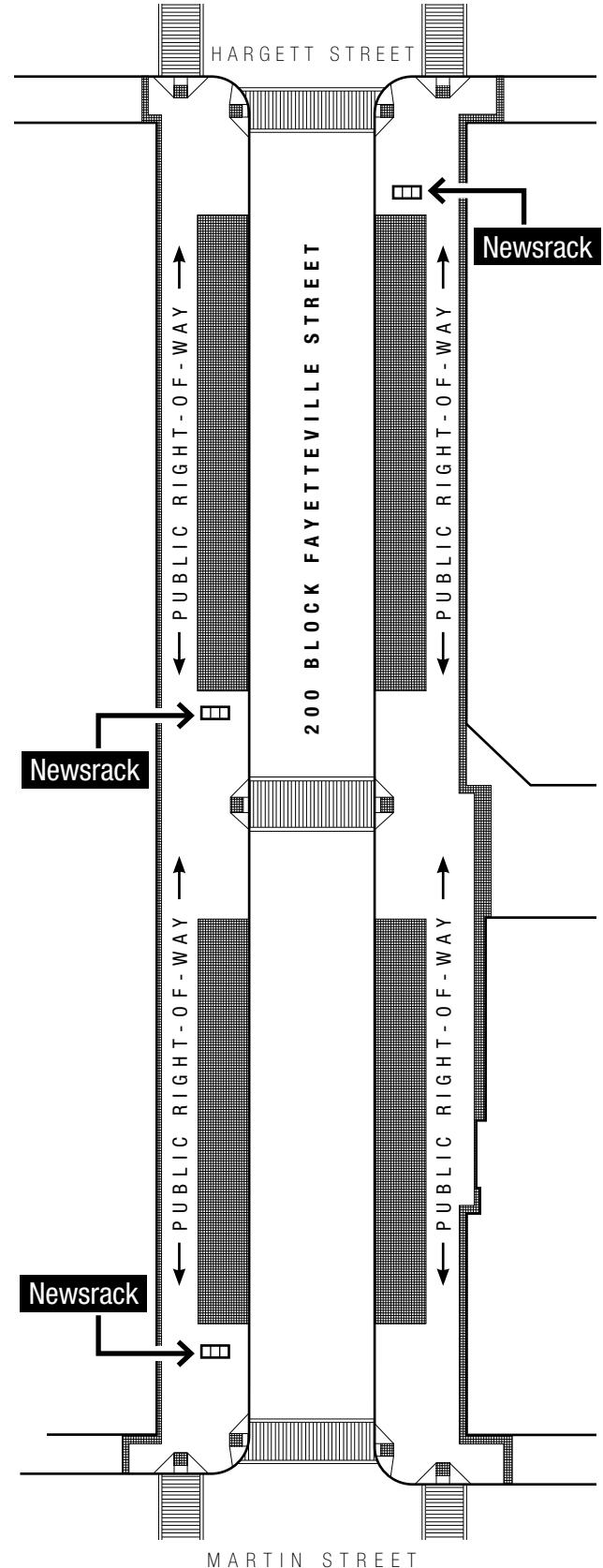
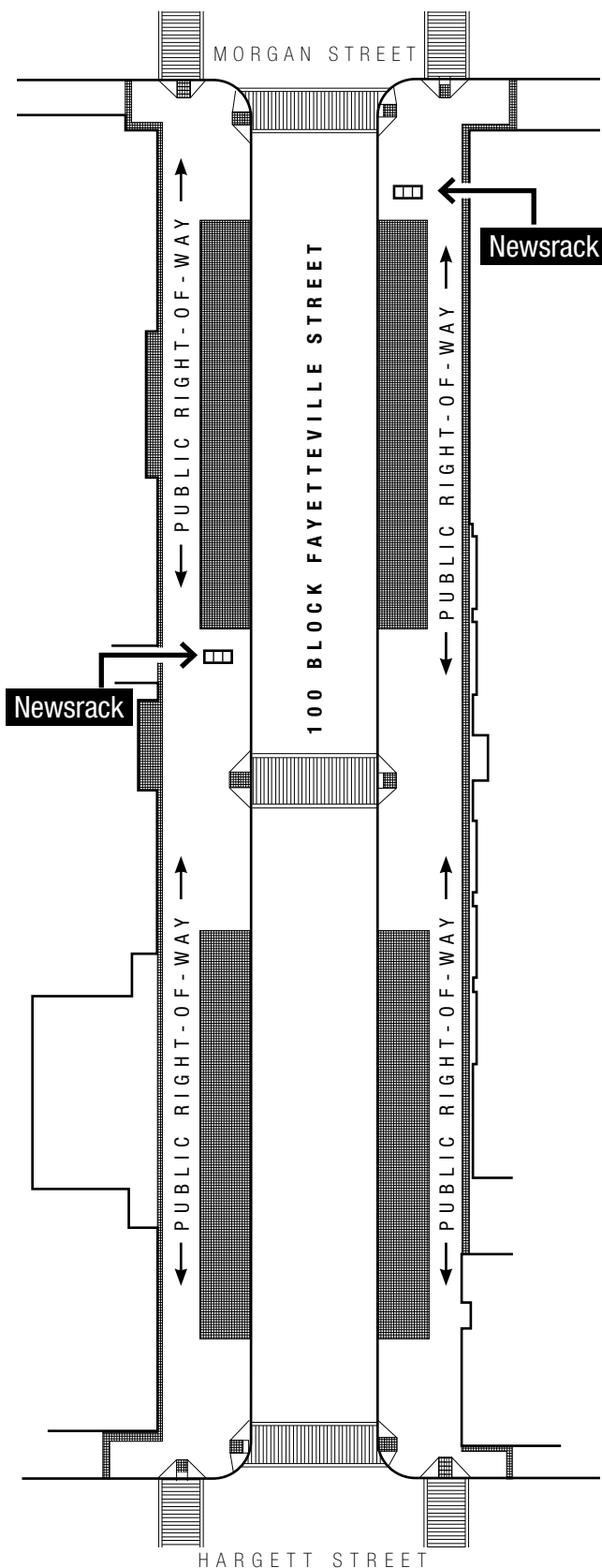
- ☐ City of Raleigh Business License
- ☐ Completed Newsrack Permit Application Form
- ☐ Annual Fees
- ☐ Proof of Insurance
- ☐ Indemnity Agreement

## NEWSRACKS: Location Parameters

- [illegible]

*Fayetteville Street*

**MODULAR NEWSRACKS: Locations**



Fayetteville Street blocks showing modular newsrack locations.

## Fayetteville Street

### MODULAR NEWSRACKS: Locations

